

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Shuyuan Zhang  
Capucine Thwin  
Zheng Wu  
Toohyon Cho  
Shawn Gallagher



Serial No.: 09/203,078

Filed: December 1, 1998

For: AN IMPROVED METHOD FOR THE  
PRODUCTION AND PURIFICATION OF  
ADENOVIRAL VECTORS

Group Art Unit: 1623

Examiner: Unknown

Atty. Dkt. No.: INGN:081/HYL

**RECEIVED**

**AUG 03 2000**

**OFFICE OF PETITIONS**

**CERTIFICATE OF MAILING**  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231, on the date below:

7/28/00  
Date

Steven L. Highlander

**DECLARATION OF STEVEN L. HIGHLANDER**  
**UNDER 37 C.F.R. § 1.47**

Box DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Steven L. Highlander, declare that:

1. I am a U.S. citizen, residing at 6604 Cypress Point North, Austin, Texas. I am a partner with the law firm of Fulbright & Jaworski in Austin, Texas.

2. Dr. Toohyon Cho is a former employee of Introgen Therapeutics, Inc., the entity which owns all intellectual property rights of the present invention. Dr. Cho is a co-inventor of the above-referenced patent application and owes a duty of assignment by virtue of his employment agreement at Introgen.

3. In the filing of a previous patent application, U.S. Serial No. 08/975,519, of which the present application is continuation-in-part, Dr. Cho was informed of Inventors' Oath and Declaration papers that required his signature. Dr. Cho was forwarded a complete copy of the application papers, including the specification, claims, abstract, drawings, Oath and Declaration, via Federal Express to his last known address: 874 Yorkchester, #102, Houston, Texas 77079. I personally contacted Dr. Cho by telephone and Dr. Cho indicated his unwillingness to sign the Oath and Declaration papers which were sent to him with the patent application. Dr. Cho was contacted a second time by telephone and he again refused to sign the inventors' Oath and Declaration.

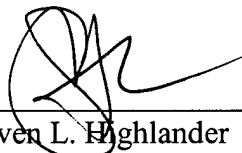
4. We believe Dr. Cho's country of citizenship to be Korea.

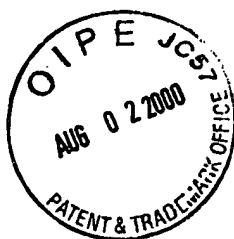
5. In the normal course of business, on March 31, 1999, Onita Cheyne, a patent paralegal of our firm, forwarded a complete copy of the present application, including the specification, claims, abstract, drawings, along with an Oath and Declaration, to Dr. Cho via Federal Express to his last known address: 874 Yorkchester, #102, Houston, Texas 77079. On April 2, 1999, Onita Cheyne received a telephone call from Federal Express stating that Dr. Cho could not be reached at his last known address. The enclosed documents were returned via

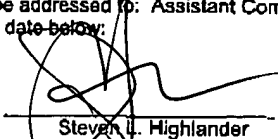
Federal Express on April 2, 1999, as undeliverable (see earlier submitted Declaration of Onita Cheyne).

6. I hereby declare that all statements made herein of my knowledge are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

7/28/00  
DATE

  
Steven L. Highlander



CERTIFICATE OF MAILING 37 C.F.R. 1.8	
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<u>7/28/00</u> Date	 Steven L. Highlander

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Shuyuan Zhang et al.

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VECTORS

Group Art Unit: 1623

Examiner: Unknown

Atty. Dkt. No.: INRP:081/DLP

**DECLARATION OF CHUCK LANDRUM**  
**UNDER 37 C.F.R. §1.68**

BOX DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Chuck Landrum, Intellectual Property Coordinator of INTROGEN Therapeutics, Inc., the Assignee of the above-referenced U.S. patent application; hereby declare that to the best of my knowledge and belief, the last known address of Dr. Toohyon Cho is 874 Yorkchester, #102, Houston, Texas 77079, and that Dr. Cho's country of citizenship, to the best of my knowledge and belief, is Korea.

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I hereby declare that all statements made herein of my knowledge are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

7/27/2000  
Date

Chuck Landrum, Ph.D.  
Chuck Landrum  
Intellectual Property Coordinator  
INTROGEN Therapeutics, Inc.